Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Methods to Target and	)	
Eliminate Unlawful Robocalls	)	**CG Docket No. 17-59**
	)	
Call Authentication Trust Anchor	)	**WC Docket No. 17-97**

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint") respectfully submits the following Comments in response to the FCC's Further Notice of Proposed Rulemaking in CG Docket No. 17-59 and WC Docket No. 17-97 ("FNPRM).[1] Sprint supports the Federal Communications Commission's ("FCC" or "Commission") efforts to reduce unwanted and illegal robocalls. This FNPRM appropriately focuses on several key issues that must be resolved to advance industry efforts to combat this problem. Specifically, Sprint urges the Commission to adopt a broad safe harbor that will allow carriers to implement appropriate call blocking without unnecessary liability exposure. Sprint also urges the Commission to clarify its "critical call" list proposal, ensure that SHAKEN/STIR is broadly implemented, and ensure that any reporting obligations would in fact provide useful information. Sprint remains committed to curbing robocalls and will continue to work with the Commission and the industry to address this ongoing problem.

[1] *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Declaratory Ruing and Third Further Notice of Proposed Rulemaking, CG Docket No. 17-59, released June 7, 2019 ("Declaratory Ruling").

I. The Commission Should Create a Broad Safe Harbor

While there is unquestionably a need to address the flood of robocalls, any system that blocks a large volume of inbound calling will inevitably result in the blockage of some number of legitimate calls. This creates a real liability exposure for carriers that implement these systems, particularly if they are implemented on an "opt-out" basis. Recognizing this, the Commission has proposed a safe harbor for calls that fail SHAKEN/STIR verification. While an important step, this proposed safe harbor is too narrow to provide the certainty that carriers will require to take the aggressive blocking steps that customers are demanding.

The Commission's proposed safe harbor would address calls that fail SHAKEN/STIR verification. Once SHAKEN/STIR is mature and stable, those circumstances will be rare. While such calls should legitimately be blocked, this is likely to be a small subset of the total volume of illegal and unwanted robocalls. More common will be calls that have no signature, particularly during the early years of SHAKEN/STIR deployment. Addressing these calls will require the use of other analytics in addition to SHAKEN/STIR.

The Commission should create a broad safe harbor that will encourage the deployment of these additional analytics. The Commission recognized the need for reasonable analytics in the Declaratory Ruling and should provide carriers with sufficient liability protection to incentivize the deployment of these additional protections.[2]

An appropriate safe harbor that incentivizes carriers to combat illegal and unwanted robocalls, while also ensuring that legal, wanted calls go through, would provide liability

[2] Declaratory Ruling paras. 34-35.

protection when carriers:

1) Implement SHAKEN/STIR for originating calls and use SHAKEN/STIR information as part of their analytics to identify illegal and unwanted calls, whether for network level blocking or for app-based blocking. Allowing a safe harbor for carriers that implement SHAKEN/STIR provides an incentive for carriers to promptly deploy SHAKEN/STIR in order to obtain the benefits of the safe harbor.
2) Participate in industry traceback efforts to help law enforcement agencies track down and take appropriate action against illegal callers and carriers that are active participants in illegal calling schemes.
3) A carrier or its analytics engine partner must engage with legal callers or their delegates to create a challenge and redress mechanism for any false positive errors. The methodology of this process is in active consideration by standards bodies and commercial entities; the Commission should not mandate any individual mechanism for this process. Registries, delegated certificates, branded caller initiatives, and other hybrid solutions are being developed.

The Commission should not attempt to narrowly prescribe a methodology carriers and analytics entities must use to determine whether a call is legal or illegal, wanted or unwanted. The technology to identify illegal and unwanted calls is rapidly evolving, and bad actors rapidly change their calling practices in response. Any attempt to define what criteria indicate an illegal or unwanted call will likely be immediately obsolete. The criteria above would demonstrate that a carrier is acting in good faith to protect its customers while also providing a pathway for legal, wanted calls to avoid unjustified blocking and labeling.

The Commission should make the safe harbor as broad as its legal authority permits.

While the Commission's authority to create a safe harbor would most clearly extend to an enforcement action under Title 47 for incorrect blocking, a bigger concern will be private litigation under state law, whether from a legal caller claiming tortious interference with business relations for blocking legal and presumably wanted calls to its customers, or from lawsuits from a carrier's own customers for blocking an important call. A safe harbor that addresses only Commission enforcement would be of limited utility.

The NPRM suggests an additional requirement that carriers provide call originators with a notification that the call has been blocked. Current standards do not provide for such a mechanism, and diligent efforts to combat robocalls should not be placed on hold for such a standard to be developed and implemented. Given that most blocked calls will be from illegal callers, such a requirement is unnecessary and could be used by bad actors to probe networks and seek ways to route illegal calls. Accordingly, Sprint does not believe such a requirement would be appropriate.

II. Critical Calls

Although the Commission rightly notes that carriers and their analytics partners should work to ensure that critical calls are not erroneously blocked, there is no definition of a critical call, nor is it clear how they would be identified.

While all can agree that 911 callbacks are critical, other calls are critical as well. Calls from hospitals, first responders, and the military are often critical, but not always. Critical calls are not based on the originating phone number but rather are based on the content of the call. A police chief could use her personal cell phone to call her husband to ask when dinner will be ready, and the next call could be about a crime in progress. The first call is not critical, but the second one is. Both come from the same phone number.

Carriers are not well positioned to maintain individual lists of critical callers as this will lead to uneven results by carrier and analytics entities. Furthermore, carriers do not have the expertise to vet the thousands of entities around the country seeking to register as critical callers. Nor should those critical callers have to deal with numerous phone carriers. The Commission should therefore address the needs of critical callers in conjunction with the needs of all callers.

Bad actors will undoubtedly seek to register their numbers as critical, so vetting of registrants will be required. At its core, however, the needs of critical callers are not that different than those of other legal callers seeking to ensure that their calls complete and are not inadvertently blocked or inaccurately labeled. Sprint believes that the best path forward for critical calls is for the industry to adopt SHAKEN/STIR universally and promptly[3], while working with standards bodies and stakeholders to develop a methodology whereby all callers can be securely identified beyond just originating carrier attestation and those identities transmitted securely to the terminating carrier, its analytics partner, and its customers. Various proposals are being discussed in industry standards bodies to address how large callers with complicated intermeshed originating calling patterns involving multiple carriers, call centers, and phone number providers can uniquely and securely establish their identities—whether through SHAKEN/STIR or an adjunct to it—to the call recipient.

Regardless of how the critical calls list is established and maintained, it should not be a white list—at least for the time being. Until SHAKEN/STIR is ubiquitous, spammers and illegal

[3] For industrywide SHAKEN/STIR to be most effective, industrywide IP interconnection of networks for the exchange of voice traffic is also required. The Commission should require prompt and universal adoption of IP interconnection for the exchange of voice traffic to replace outdated TDM interconnections since they are fundamentally incompatible with SHAKEN/STIR technology.

callers will have incentives to spoof numbers on the critical caller list. Carriers and their analytics partnerships should have the flexibility to recognize spoofing by means other than SHAKEN/STIR and to block non-critical calls that purport to be from numbers that are on the critical calls list.

Any critical calls list will inevitably become public as thousands of carriers and potentially unlimited app developers and analytics entities seek access to it to improve their products' accuracy. Accordingly, a critical calls list is best contemplated in conjunction with a comprehensive solution to authenticating all calls and callers.

III. SHAKEN/STIR Should Be Implemented by All Carriers

Sprint continues to support the development and implementation of SHAKEN/STIR, but again cautions that implementation by VOIP-only and large carriers continues to leave a significant exposure from legacy TDM call origination sources and intermediate carriers. As Sprint stated in its earlier comments, the call authentication information provided by SHAKEN is just one factor that will serve as an input to analytics that could be used at the network level or device level to identify and possibly block illegal calls. SHAKEN/STIR does not alert the carrier to the content of a call or whether it is legal. It simply authenticates origination of the call path and the Caller ID information of individual calls as attested by the originating carrier. Without universal adoption of SHAKEN/STIR from originating carrier to completing carrier, call authentication will not be passed to the terminating carrier.

Sprint therefore supports universal adoption of SHAKEN/STIR by all voice providers. Deployment should certainly extend well beyond the 14 major voice service providers that

responded to Chairman Pai's November 2018 letters. Industry statistics show that 30 percent of all calls are unwanted robocalls.[4] TNS has shown that 87 percent of unwanted robocalls originate from carriers that are not major voice service providers.[5] Taken together, this means that illegal and unwanted robocalls predominantly originate from smaller carriers that are not subject to the Commission's efforts to obtain voluntary agreement to deploy SHAKEN/STIR this year. The Commission's should take this into account when addressing SHAKEN/STIR adoption by carriers that originate the most individual calls, which may not be those carriers with the most lines or customers or minutes of use.

Full implementation of SHAKEN/STIR also requires IP interconnection. Signing calls or attempting to validate certificates is a fruitless exercise if a carrier cannot exchange traffic in IP format with other carriers. In fact, carriers that have implemented SHAKEN/STIR but do not interconnect in IP format render the mandatory or voluntary implementation of SHAKEN/STIR ineffective. The Commission should seize this opportunity to accelerate the transition to all IP networks, through rule making if necessary.

Industry has yet to coalesce around a standard display framework for SHAKEN/STIR attestation. For the near future, the attestation level of a call—full, partial, or gateway—or whether a call is attested at all is not a meaningful indicator of whether a call is legal or illegal, or wanted or unwanted. The best use of SHAKEN/STIR information is to be a data input into a call analytics algorithm that also relies on other data sources to make an informed determination

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[4] *See Transaction Network Services 2019 Robocall Investigation Report*, at 9 (filed as ex parte by Transaction Network Services, Docket No. 17-59 (May 15, 2019).

[5] *Id.* at 12.

whether a call is illegal or not, and based on customer preferences, whether a call is unwanted or not. A fully verified call could still be an illegal Social Security or IRS scam. A fully verified call could also be illegal telemarketing in violation of the TCPA. Thus far, most enforcement action has focused on illegal scam calls (IRS, Social Security, computer repair, etc.) and not on the calls that sell a legal service, albeit through illegal telemarketing in violation of the TCPA (debt reduction, automobile extended warranties, medical insurance, etc.). Sprint and TNS want to label and, if the customer requests, block such calls even if they are fully attested and verified. The "green checkmark" of passing verification will only serve to confuse customers. And given law enforcements priority on illegal scams rather than illegal telemarketing, such calls are likely to continue. All this shows the importance of using reasonable analytics on top of SHAKEN/STIR to protect customers from both illegal and unwanted calls.

IV. Measurement of the Effectiveness of Robocall Solutions Will be Difficult

Addressing the robocall problem has been hampered by a lack of solid data. There is no universal definition of an "illegal" call. Are they only calls that perpetuate scams, or are all calls in violation of TCPA "illegal"? A telemarketing call to a cell phone with customer consent is legal, but a call without consent is illegal. How will a carrier or analytics entity know with certainty whether a customer consented to an individual call, which is the measure of its legality?

Calls from charities, surveys, or polls may be wanted by some customers and unwanted by others. Customers may have forgotten that they gave telemarketing consent to a company that has the legal right to call until the customer revokes consent.

Given that there is no universal agreement on what is a legal or illegal call, or a wanted or unwanted call, any attempt to measure accuracy rates will be problematic.

V. Conclusion

Sprint fully supports the Commissions actions to address the plague of illegal and unwanted robocalls. Neither carriers nor consumers benefit from the surge in illegal calls and Sprint will continue to work with the Commission and the industry to find solutions to this complex problem.

Respectfully submitted,

SPRINT CORPORATION

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